

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

JOSE ANTONIO MARTINEZ,
Plaintiff,
v.
J. GALVIN, et al.,
Defendants.

) Case No.: 1:24-cv-01079 JLT BAM
)
) ORDER ADOPTING FINDINGS AND
) RECOMMENDATIONS, DISMISSING CERTAIN
) CLAIMS AND DEFENDANT H. MOSSELEY,
) AND DIRECTING THE CLERK OF COURT TO
) UPDATE THE DOCKET
)
) (Doc. 14)
)

Jose Antonio Martinez seeks to hold the defendants J. Galvin, D. Burns, and H. Mosseley liable for violations of his civil rights while incarcerated at Corcoran State Prison, asserting the defendants wrongfully confiscated or destroyed photos he received in the mail. (*See generally* Doc. 12.) The magistrate judge screened Plaintiff's amended complaint pursuant to 28 U.S.C. § 1915A(a) and found Plaintiff stated cognizable claims against J. Galvin and D. Burns for violation of his First Amendment rights. (*Id.* at 6, 8.) However, the magistrate judge found Plaintiffs' remaining claims—including all claims against H. Mosseley—were not cognizable. (*Id.* at 4-8.) The magistrate judge recommended the action proceed only on Plaintiff's cognizable claim for a violation of the First Amendment, and the Court dismiss all other claims and defendants. (*Id.* at 9.)

The Court served the Findings and Recommendations on Plaintiff and notified him that any objections were due within 14 days. (Doc. 14 at 9.) The Court advised him that the “failure to file objections within the specified time may result in the waiver of the ‘rights to challenge the magistrate

1 judge's factual findings' on appeal." (*Id.*, quoting *Wilkerson v. Wheeler*, 772 F.3d 834, 838-39 (9th
2 Cir. 2014).) Plaintiff did not file objections, and the time to do so has passed.

3 According to 28 U.S.C. § 636(b)(1), this Court performed a *de novo* review of this case.
4 Having carefully reviewed the matter, the Court concludes the Findings and Recommendations are
5 supported by the record and proper analysis. Thus, the Court **ORDERS**:

- 6 1. The Findings and Recommendations dated April 2, 2025 (Doc. 14) are **ADOPTED** in
7 full.
- 8 2. The action **SHALL** proceed only on Plaintiff's claim against Defendants J. Galvin and
9 D. Burns for violation of the First Amendment, as stated in the amended complaint.
- 10 3. All other claims and defendants are **DISMISSED** for failure to state a claim.
- 11 4. The Clerk of Court is directed to update the docket and terminate H. Mosseley as a
12 defendant.

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14 IT IS SO ORDERED.

15 Dated: May 6, 2025

Jennifer L. Thurston
16 UNITED STATES DISTRICT JUDGE

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